

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

In Re:
TRACY A. JONES,
Debtor.

Case No. 13-71943-SCS
Chapter 7

NOTICE OF MOTION

The Trustee has filed a Motion for Turnover of non-exempt tax refunds in this bankruptcy case.

Your rights may be affected. You should read these papers and discuss them with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to enter an Order approving the motion, or if you want the Court to consider your views on the Motion, then on or before thirty (30) days from the date of this Notice, you or your attorney must:

_____ File with the Court a written request for a hearing or a written response, explaining your position, at:

Clerk's Office
United States Bankruptcy Court
600 Granby Street, 4th Floor
Norfolk, VA 23510

_____ If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated herein.

You must also mail a copy to:

Tom C. Smith, Trustee
P.O. Box 1506
Virginia Beach, VA 23451

✓ _____ Attend a hearing to be scheduled at a later date. You will receive a separate notice of hearing. If no timely response has been filed opposing the Motion of the Trustee, the Court may grant the Trustee the relief sought.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Motion and may enter an Order directing the debtor to turn over to the Trustee her 2013 non-exempt tax refunds as set forth herein.

Date

MARCH 20, 21 to

Tom C. Smith, Trustee

Tom C. Smith, Trustee, VSB #14303
1600 Virginia Beach Boulevard
P.O. Box 1506
Virginia Beach, VA 23451
(757) 428-3481

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
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In Re:
TRACY A. JONES,
Debtor.

Case No. 13-71943-SCS
Chapter 7

MOTION FOR TURNOVER


NOW COMES the Chapter 7 Trustee, Tom C. Smith, and states the following as his Motion For Turnover, to-wit:

1. That the Debtor, Tracy A. Jones, filed a Chapter 7 bankruptcy petition with this Court on May 21, 2013, and Tom C. Smith, Jr. was appointed Trustee of the bankruptcy estate. The debtors' First Meeting of Creditors Hearing was concluded on June 27, 2013.
2. That it appears the debtor received \$7,500 for her federal tax refund for the calender year 2012. It appears the debtor also received a state refund in the amount of \$825 for the calender year 2012.
3. That the trustee believes the debtor may have received the same amount of refunds for 2013. Since the debtor filed her Chapter 7 bankruptcy case on May 21, 2013, thirty-eight percent (38%) of the debtor's 2013 tax refunds would be a non-exempt asset of the debtor's bankruptcy estate, minus an exemption in the debtor's 2013 federal and state tax returns in the amount of \$300.00. In the event the debtor received the same amount for her 2013 tax refunds as she received for her 2012 tax refunds, \$2,864.64 of the 2013 tax refunds would be a non-exempt asset of the debtor's bankruptcy estate.

Tom C. Smith, Trustee, VSB #14203
1600 Virginia Beach Boulevard
P.O. Box 1506
Virginia Beach, VA 23451
(757) 428-3481

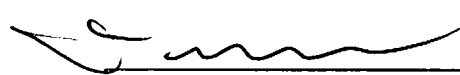
4. That the trustee believes the debtor received tax refunds for 2013 similar to her 2012 tax refunds.

WHEREFORE the Trustee prays that the Court enter an order directing the debtor to turn over her non-exempt 2013 federal and state tax refunds to the Chapter 7 Trustee.

By: 
Tom C. Smith, Trustee

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that copies of the foregoing Notice of Motion and Motion were mailed to Debtor's Counsel, Robin L. Tolerton, 4936 Cleveland Street, Suite 100, Virginia Beach, VA 23462, Debtor, Tracy A. Jones, 1814 Pope Avenue, Norfolk, VA 23509 and the Office of the U.S. Trustee, Federal Building, 200 Granby Street, Room 625, Norfolk, VA, 23510, this 21 day of March, 2014.


Tom C. Smith, Trustee